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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Pocock

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EXAMINER

BROWN, RUEBEN M

ART UNIT

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2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/965,808	<b>Applicant(s)</b> POCOCK, MICHAEL	
	<b>Examiner</b> REUBEN M. BROWN	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-21 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-21 and 23-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's invention essentially is directed to a method of identifying a broadcast provider, in a manner by receiving a user related geographic identification code and a user related broadcast identifier, such that the broadcast identifier is not required by itself to identify the instant broadcast provider. When the user related geographic identification code is communicated to a database, a subset of data is determined that comprises at least one or more broadcast identifiers that are associated with the received user related geographic identification code. From this subset of data, at least one broadcast provider is identified using both the subset of data and the received user at least one user related broadcast identifier. Dependent claim 12, recites that the broadcast identifier may be at least one of a broadcast provider call letters, tuning frequency, TV channel allocation, channel number, etc.

Applicant's argues against the Larsen reference, in pages 13-15. It is argued that the reference creates a table of broadcast providers and identifies at least one broadcast provider, by matching an entry in the Broadcast Table (Fig. 3) that corresponds with three items of information submitted from a subscriber, namely the time, date and broadcaster information. The

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main argument against Larsen, as found on page 14 is that since the reference operates under the assumption that the provided broadcast information by itself identifies the broadcast provider, that there is no need in Larsen to be able to receive broadcaster information from a user that is not required by itself to identify the broadcast provider.

Examiner concurs with applicant that Larsen only discusses finding the desired broadcaster using the information provided by the user or on behalf the user, namely; time, date & broadcaster information, of a particular broadcast. Nevertheless, it is also pointed out, that (as noted by the applicant) Larsen discloses using three parameters of information. Therefore, it would have been obvious for one of ordinary skill in the art to include multiple different fields or parameters in a record for the well known & established benefit of organizing the records according to their disparate fields, which helps to further delineate the records. Adding additional parameters or fields to the broadcast provider records in Larsen, is merely a question of scale, and would have been obvious based on the known science of storage/retrieval of records from a database.

Duckeck provides a clear teaching of creating a database in memory that lists broadcast providers (86), according to their regional or geographical broadcast identification region code (85) in which the instant broadcast providers broadcast, which reads on the claimed subject matter, see Fig. 2; col. 4, lines 1-21. Duckeck teaches that at least one of the purposes of this invention is identifying a particular broadcast provider with respect to a particular location,

especially in the event that a broadcast provider operates in more than one location, which provides a clear motivation to combine with Larsen; see col. 2, lines 29-38.

Using Larsen alone, it is possible for the system to retrieve a broadcast from a broadcast provider that was not desired by a user, even though the user accurately identified the broadcast provider. However, modifying Larsen with the technology of Duckeck would provide an improvement to overcome the situation of multiple broadcast providers that have the same broadcast identification code, within the database of broadcast providers of Larsen. Thus, Duckeck determines a subset of broadcast providers based on a geographic identification code, in order to more accurately determine broadcasts that correspond to a particular geographic area.

Antoshenkov, which is not used in the rejection, is directed to the same field of endeavor as Larsen, i.e., retrieval of records from a database. To that end, Antoshenkov also discloses a plurality of records stored in a database that may include a variety of parameters, i.e., fields, such as Last\_Name, First\_Name, Address, City, State, Zip\_Code, see Fig. 1a. In other words, Antoshenkov discloses storing a plurality of records, each with an associated geographic identification code. Antoshenkov goes on to teach retrieving indexed database records in one or more methods that increase the speed of the retrieval process. In particular, Antoshenkov teaches at least one embodiment, in which an indexed list of records are retrieved, (for instance, based on the Zip Code field identifier) and subsequently the retrieved list is searched to find the at least one or more records that satisfy another particular field identifier, such as Name = Smith, see col. 4, lines 55-67; col. 7, lines 15-35 & Fig. 4.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, 19-21 & 23-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson, (U.S. Pat # 5,539,635), in view of Duckeck, (U.S. Pat # 5,303,401).

Considering claim 1, the amended claimed method for identifying at least one broadcast provider through the combination of geographic identification code and a broadcast identifier, is met by the combination of Larsen & Duckeck.

Regarding the claimed step of:

*‘digitally storing in a database one or more geographic identification codes associated with at least one area or location in which the broadcast is receivable from the at least one broadcast provider, such that the database stores at least one broadcast identifier associated with the at least one broadcast provider’*, reads on the combination of Larsen & Duckeck. In particular, Larsen teaches storing in a database 64, at a radio program distribution system 8, the

broadcast identification of plural radio programs, and each corresponding channels/frequency, Fig. 1; Abstract & col. 3, lines 5-35; col. 4, lines 35-41, which reads on the claimed, *'digitally storing in a database, at least one broadcast identifier associated with at least one radio or TV broadcast provider'*, (e.g., broadcast table 90 & program table 80).

However, even though Larsen teaches creating a database that includes an entry (e.g., (e.g., broadcast table 90 & program table 80) in the database identifying a broadcast program, by time, date and the broadcast provider of the instant broadcast program, (see, Fig. 2; Fig. 3) the reference does not teach storing a geographic identification of the broadcast provider. Nevertheless, Duceck discloses a method of storing in a memory, lists of broadcast providers (86), according to their broadcast region code (85). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Larsen with the feature of creating a database of broadcast providers, based on their geographical location, at least for the improvement of ensuring that a particular recording of a broadcast requested by the user in Larsen, is in fact the accurate broadcast, since Duceck points that that a particular broadcast provider may operate in more than one region. Therefore, applying Duceck to Larsen provides for enabling the system of Larsen to pick out the only broadcast(s) as requested by a user, that are associated with broadcast providers in the broadcast region that corresponds with the instant user's broadcast region.

*'receiving at least one geographic identification code and at least one user related broadcast identifier, wherein the user related broadcast identifier is not required to identify by*

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*itself the at least one radio or TV broadcast provider'*, corresponds with the combination of Larsen & Duckeck. Larsen uses the broadcast identification, time & date (Abstract; col. 2, lines 52-67 & col. 6, lines 8-28) to identify a broadcast program, whereas in Duckeck, the stations that may be received by a particular receiver are scanned into memory 54, col. 3, lines 7-21 & col. 4, lines 56-59.

*'communicating the received at least one user related geographic identification code information into the database to determine a subset of data, the subset of data comprising at least one of the stored one or more broadcast identifiers that are associated with at least one of the stored one or more geographic identification codes that corresponds to the received at least one user related geographic identification code'*, and *'identifying at least one broadcast provider using at least both the subset of data and the received at least one user related broadcast identifier'*, reads on the combination of Larsen & Duckeck, wherein Duckeck that the comparator 82 compares the complete list of broadcast providers (86) with the list of broadcast providers (54) that are receivable in a particular region to determine the region (for instance region 2), in order to filter programming based on a certain region, see col. 4, lines 3-37.

*'wherein the identifying of the at least one broadcast provider does not require identifying only a closest proximity broadcast provider based on the received at least one user related geographic identification'*, Duckeck does not require such a feature.



Considering claims 2-3, the Larsen teaches using touchtone technology to input the data needed by the system to process the user's request, col. 5, lines 1-30. Official Notice is taken that at the time the invention was made, it was well known in the art of radio and/or TV broadcast services to label broadcast providers with call letters, which are a four letter identifier used to identify particular radio and/or TV broadcast stations. Since the customer in Larsen uses a telephone keypad (which includes alphanumeric keys) to input information that identifies a broadcaster, it would have been obvious for one of ordinary skill in the art to operate Larsen in a manner wherein the broadcaster information input by the customer is the call letters of the station, at least for the benefit of allowing the customer to utilize information that is readily accessible to the customer that identifies the instant broadcast provider.

Considering claims 4-6, subset and indexing of broadcaster information also reads on the combination of Larsen, col. 5, lines 40-67 & Duceck, see Fig. 1; col. 2, lines 55-67. As for claim 5, organizing according to a group listing is broad enough to read on grouping the stations based on region, as taught by Duceck. As for claim 6, the claimed '*program schedule information*' reads on Larsen, since the system allows programs to be accessed according to broadcaster, time and date, see col. 5, lines 22-35.

Considering claims 7-12, 15 & 23-27, the combination of Larsen & teaches indexing broadcasters, according to geographical information, which requires the transmission/reception of program description, col. 2, lines 35-67; col. 3, lines 31-47. As for claim 11, '*whereby the transmission of the program description information is synchronized with a program schedule or*

*list*', Larsen teaches that in order to accurately confirm the broadcast that a customer is requesting, the system transmits to the user, at least the title and artist which requested the music, which reads on '*program description information*', see col. 5, lines 45-67. Since in order to initially retrieve the song that the user is requesting, Larsen searches the list of broadcasts from a particular broadcast provider the feature of, '*synchronizing with a program schedule or list*' is met. Furthermore, as discussed above in the rejection of claim 3, using the call letters, as a broadcast identifier was well known in the art at the time the invention was made, and would have been obvious modification of Larsen to accept the call letters of a radio and/or TV station as the identification information.

Considering claims 13 & 16-17, Official Notice is taken that at the time the invention was made, the use of area code and/or exchange codes to identify a geographic area was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made to operate Larsen in a manner that uses specific geographic identifications, such as zip codes, area codes and/or exchange codes to determine geographic areas, since every phone number uses area code and/or exchange codes, and may be automatically determined using well known ANI technology.

Considering claim 14, Larsen teaches that the invention is operable in a CATV environment, which would then provide the converter address as geographic information, col. 2, lines 65-67 thru col. 3, lines 1-5. Official Notice is taken that at the time the invention was made, it was known in the art to provide programming to customers' based on the STB ID or address. It

would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Larsen & Duckeck, by using the STB address to limit the list of potential providers, at least for the desirable advancement of utilizing a networking system other than the PSTN disclosed in Larsen.

Considering claim 19, the instant claim corresponds with subject matter mentioned above in the rejection of claim 1, and are likewise treated. Except that the instant claim recites *'receiving a network address associated with the user inquiry'*, as discussed above in the rejection of claims 13 & 16-17, Official Notice is taken that at the time the invention was made, it was well old in the art to provide a caller's telephone number to a central management office, (for instance, using ANI technology) when determining an appropriate business/provider, for the caller. Thus, it would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Larsen & Duckeck to utilize the telephone number of a caller in order to determine an appropriate broadcast provider, in a broadcast provider look-up system such as in the combination of Larsen & Duckeck, since it was known in the art that the land line phone number of a caller provides a geographical boundary of the location of the instant caller, based on the area code and/or exchange.

*'querying a database of stored network addresses...that each represent at least one provider'; 'determining whether the received network address matches one of the stored network address'; and 'if at least one of the stored network address matches the received network address, retrieving the indexed group of broadcast identifiers corresponding to the received*

*network address*'; and *'identifying at least one broadcast provider using both the retrieved indexed group of broadcast identifiers and the received user related broadcast identifier'*, again reads on the combination of Larsen (which teaches storing and accessing broadcast providers using their broadcast identification), Duckeck (which teaches accessing broadcast providers based on the geographic location of a user).

Considering claim 20, the claimed elements of a computer-implemented information system to identify a radio or TV broadcast, comprising features that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated. The additionally claimed processor reads on the combination of the Request Processing Unit 10 of Larsen, (Fig. 1).

Considering claim 21, the claimed feature of inputting the geographic ID code and the broadcast ID code separately, is broad enough to read on the user inputting the requested broadcast station as discussed in Larsen and separate communication as discussed in Duckeck.

Considering claims 28-29, Larsen teaches that the invention is applicable to TV stations, cable systems and satellite broadcasters, which meet the claimed subject matter, col. 2, lines 65-67 thru col. 3, lines 1-4.

Considering claims 30 & 36, the claimed method to identify at least one content provider through the combination of a geographic identification code and a content provider identifier,

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corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Considering claim 31, the subject matter reads on Larsen, col. 2, lines 59-67; col. 5, lines 60-67.

Considering claims 32-35, Duckeck teaches that the lists of stations are listed based on their associated broadcast identifier, see col. 3, lines 55-67 through col. 4, lines 1-5 & Fig. 2.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Schwob Teaches creating a database at a receiver of broadcast providers and searching the database of broadcast provides based on geographic identification, such state, city and/or zip code.

B) Antoshenkov Teaches storage and retrieval of records from a database based on one or more fields or keys, including one or more geographic ID codes.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623